



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,431	10/31/2001	George S. Gales	10016933-1	2381

7590 05/13/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT	PAPER NUMBER
----------	--------------

2132

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,431

Applicant(s)

GALES ET AL.

Examiner

Venkatanarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 3-29 rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

639
Patent Publication No 2002/011639 A1 to Chefalas et al. (hereinafter Chefalas)

3. Regarding Claim 1, Chefalas discloses specifying the name of virus being detected (identity of an attack) and what computer it was detected (an attribute of attack) on see Par. 0030. Further, Chefalas discloses specifying a policy with regard to the virus (policy definition with respect to attack) and also discloses an attribute of the policy see Par. 0030 & Par. 0044 & Par. 0060.
4. Regarding Claim 3, 13, Chefalas discloses the specifying security category of the specified attack and further discloses the policy with respect to specified category see Figure 5A.

5. Regarding Claim 4, Chefalas discloses the security product executing on the computer system see Par. 0012.
6. Regarding Claim 5, Chefalas discloses the identification of the severity associated with a breach see Par. 0044.
7. Regarding Claim 6, Chefalas discloses the type of virus that infected the client(specifying description of the attack) see Par. 0060.
8. Regarding Claim 7, Chefalas discloses the specifying of why the specified attack is important and the need for protection see Par. 0059.
- 9.- Regarding Claim 8, 14, Chefalas discloses the reporting of information to a manager(specifying how information is reported to a user with respect to an specified attack) see Par. 0030 & 0047.
- 10.Regarding Claim 9, 15 and 16, Chefalas discloses scheduling of maintenance of server in response to breach and further to repair the vulnerablity(specifying an application operable to respond to breach) see Par. 0060.

11. Regarding Claim 10, Chefalas discloses the specifying network protocols, data patterns and action in response to detecting specified network protocol and data pattern see Par. 0054-0058.

12. Regarding Claim 11, Chefalas discloses the what action to take in response to an attack(specifying a direction of data flow) see Par. 0062.

13. Regarding Claim 12, Chefalas discloses specifying the name of virus being detected (identity of an attack) and what computer it was detected and type(an attribute of attack) on see Par. 0030. Further, Chefalas discloses specifying an policy with regard to the virus(policy definition with respect to attack) and also discloses an attribute of the policy see Par. 0030 & Par. 0044 & Par. 0060. And further the computing platform of the system see Par. 0033.

14. Regarding Claim 17, Chefalas discloses an vulnerability description file containing definition of attack and policy item for the attack see Figure 4A items 406 & 408, an interpreter to parse the attack and policy and organize to an predetermined format see Par 0046-0048; an data storage to store parsed and organized information accessible by an application see 0048.

15. Regarding Claim 18, Chefalas discloses the use of relational database see Par. 0048.

16. Regarding Claim 19, Chefalas discloses the use of memory for data storage see Par. 0040.

17. Regarding Claim 20, Chefalas discloses the definition of a security product see Par. 0047.

18. Regarding Claim 21, Chefalas discloses the grouping of one attack and an policy see Fig. 5A.

19. Regarding Claim 22, Chefalas discloses the definition of an computing platform see Par. 0033.

20. Regarding Claim 23 and 25, Chefalas discloses the type of attack and which client was infected and time it was infected see Par. 0060 & Fig. 5A.

21. Regarding Claim 24, Chefalas discloses the identification of the severity associated with a breach see Par. 0044.

22. Regarding Claim 26, Chefalas discloses the displaying and reporting of results of the attack see Par. 0047.

Art Unit: 2132

23. Regarding Claim 27, Chefalas discloses scheduling of maintenance of server in response to breach and further to repair the vulnerability (specifying an application operable to respond to breach) see Par. 0060.

24. Regarding Claim 28, Chefalas discloses the specifying network protocols, data patterns and action in response to detecting specified network protocol and data pattern see Par. 0054-0058.

25. Regarding Claim 29, Chefalas discloses the what action to take in response to an attack (specifying a direction of data flow) see Par. 0062.

Claim Rejections 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No 2002/0116329⁶³⁹ A1 to Chefalas et al. (hereinafter Chefalas) in view of U.S. Patent 6279113 B1 to Vaidya.

65y

Art Unit: 2132

28. Regarding Claim 2, Chefalas discloses the specifying of computing platform of the computing system see Par. 0033. But Chefalas does not disclose the signature of the attack. However, Vaidya discloses the signature of the attack see Abstract & Col 2 Line 30-52. It would be obvious to one having ordinary skill in the art at the time of the invention to include signature of attack of Vaidya's in the invention of Chefalas in order to catalog specific signatures as taught in Vaidya see Col 2 Line 34-36.

Conclusion

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30.

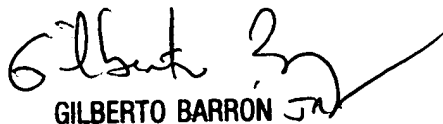
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor
Examiner
Art Unit 2132

VP
4/26/2005


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100